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April 11, 2008

**Via Facsimile**

The Honorable Shira A. Scheindlin  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1620  
New York, NY 10007

Re: *Coleman et al. v. JV Excavators and Contractors*  
07-CV-9404 (SAS) (RLE)  
Our File No. 4754.003

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CHAMBER  
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JUDGE SCHEINDLIN  
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Dear Judge Scheindlin,

The law firm of Holm & O'Hara LLP represents the Plaintiffs in the above referenced case. Plaintiffs write to request permission from the Court to move for default against Defendants for their failure to comply with the Court's February 28, 2008 order.

On February 28, 2008, the Court held a conference with the parties in connection with the above referenced action. Vincent F. O'Hara, Esq., with Holm & O'Hara LLP, appeared on behalf of plaintiffs and Paul Mandal, Esq., with Dreifuss, Bonacci and Parker, LLP, appeared on behalf of defendants, JV Excavators and Contractors, L.L.C. ("JV") and John Veteri (collectively "Defendants"). At the February 28, 2008 conference, Mr. Mandal advised the Court that he was having difficulty reaching his client to communicate with him regarding this action. The Court then ordered Defendants to produce Defendants' 26(a) Initial Disclosures to plaintiffs within three (3) weeks (March 21, 2008). To date, Defendants have not produced the Initial Disclosures in violation of this Court's order. Therefore plaintiffs respectfully request that this Court grant plaintiffs permission to move for default against Defendants for their failure to comply with the Court's February 28, 2008 order.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,  
Carol G. Dell  
cdell@holmandohara.com

cc: Paul Mandal, Esq. (via facsimile) (973-514-5959)  
Magistrate Judge Ellis (via FedEx)

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So Ordered: *[Signature]* 4/11/08

*Permission*  
*So move for default judgment*